

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

ERIK CURRAN

Plaintiff,

v.

Civil Action No. 2:07-cv-354
(Honorable John T. Copenhaver)

AMAZON.COM, INC.,
a Delaware corporation;
GETTY IMAGES, INC.,
a Delaware corporation;
ST. MARTIN'S PRESS, LLC,
a New York corporation;
SIDESHOW INC., d/b/a SIDESHOW
COLLECTIBLES, a Delaware corporation
HOT TOYS, LTD., a business entity
incorporated in Hong Kong; and
CAFÉ PRESS.COM, INC. a Delaware
corporation,

Defendants.

**MOTION TO ENFORCE
SETTLEMENT OF DEFENDANTS
AMAZON.COM, GETTY IMAGES, INC.,
ST. MARTIN'S PRESS, LLC AND HOT TOYS, LTD.**

This day came the plaintiff, Erik C. Curran, by and through his legal counsel, Charles M. Love, IV, and request this Court to enforce settlement with the defendants, Amazon.com, Getty Images, Inc., St. Martin's Press, LLC and Hot Toys, Ltd. in the above-styled case.

In support thereof, plaintiff states as follows:

1. This case was set for trial on July 29, 2008. At the mediation held on April 10, 2008, prior to the trial, plaintiff reached a settlement with Getty Images, Inc., Amazon.com, and St. Martin's Press, LLC jointly for a confidential sum .

2. Also on that date, plaintiff agreed to settle with Hot Toys, Ltd for a confidential sum.

3. On that date it was agreed that plaintiff would receive his monies within fifteen days after the mediation concluded, that being April 25, 2008.

4. To this date, defendants, Getty Images, Inc., Amazon.com, St. Martin's Press, LLC and Hot Toys, Ltd. have yet to forward payment of the settlement monies nor given plaintiff any indication as to when the settlement will be paid in full.

5. On April 18, 2008, May 6, 2008, and May 14, 2008, plaintiff's counsel cooperated with defense counsel's requests and forwarded to them tax identification numbers and/or W-9 forms along with check payment information.

6. It has now been one month and counting since the date of the mediation and plaintiff has received no indication as to when the settlement will be forthcoming from Getty Images, Inc., Amazon.com, St. Martin's Press, LLC and Hot Toys, Ltd.

Plaintiff respectfully moves the Court for a Judgment Order granting the Motion to Enforce Settlement as to the defendants, and each of them, noted

above. Plaintiff further moves for the Court to award interest, costs, and his attorney fees incurred in bringing this Motion.

ERIK C. CURRAN

By Counsel

s/Charles M. Love, IV
Charles M. Love, IV, Esquire
West Virginia Bar No. 7477
The Masters Law Firm lc
181 Summers Street
Charleston, West Virginia 25301
(304) 342-3106
Counsel for Plaintiff
F:\5\725\MO006.doc

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

ERIK CURRAN

Plaintiff,

v.

Civil Action No. 2:07-cv-354
(Honorable John T. Copenhaver)

AMAZON.COM, INC.,
a Delaware corporation;
GETTY IMAGES, INC.,
a Delaware corporation;
ST. MARTIN'S PRESS, LLC,
a New York corporation;
SIDESHOW INC., d/b/a SIDESHOW
COLLECTIBLES, a Delaware corporation
HOT TOYS, LTD., a business entity
incorporated in Hong Kong; and
CAFÉ PRESS.COM, INC. a Delaware
corporation,

Defendants.

CERTIFICATE OF SERVICE

I, Charles M. Love, IV, do hereby certify that true and exact copies of
"Motion To Enforce Settlement Of Defendants Amazon.Com, Getty Images, Inc.,
St. Martin's Press, LLC And Hot Toys, Ltd" were served upon:

John H. Tinney, Esquire
The Tinney Law Firm, PLLC
Bank One Center, 14th Floor
7097 Virginia Street, East
Charleston, West Virginia 25301
Counsel for CafePress.com

David A. Barnette, Esquire
Jackson & Kelly
1600 Laidley Tower

Post Office Box 553
Charleston, West Virginia 25322
Counsel for Amazon.com and St. Martin's Press

Andrew B. Cooke, Esquire
Elizabeth L. Taylor, Esquire
Flaherty Sensabaugh & Bonasson
Post Office Box 3843
Charleston, West Virginia 25338-3843
Counsel for Getty Images, Inc.

Mychal S. Schulz, Esquire
Dinsmore & Shohl, LLP
900 Lee Street, Huntington Sq., Ste. 600
Post Office Box 11887
Charleston, West Virginia 25339-1887
Counsel for Hot Toys, Ltd.

via electronic filing this 14th day of May, 2008; and upon:

Ian C. Ballon, Esquire
Wendy M. Mantell, Esquire
GREENBERG TRAURIG
Suite 400E
2450 Colorado Avenue
Santa Monica, California 90404
Counsel for CafePress.com

in envelopes properly addressed, stamped and deposited in the regular course of
the United States Mail this 14th day of May, 2008

s/Charles M. Love, IV

Charles M. Love, IV, Esquire
West Virginia State Bar No. 7477